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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by International Educational Development, Inc. a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 April 1999]

GE.99-12000 (E)

Self-determination in territories under Indonesian control

Background

1. International Educational Development has been monitoring the situation in Indonesia, especially since President Suharto resigned in May 1998 after mass protests and rioting against his Government. New President B. J. Habibie began a period of partial reform and investigation into abuses of the Indonesian regime. Elections are now planned for 8 June 1999. Areas under Indonesian rule that had long claimed the right to self-determination have begun new initiatives with the aim of realizing their independence. At the same time, these areas are engulfed in civil unrest and communal violence. This statement presents the situation in three of these areas: East Timor, the Moluccas and Acheh.

East Timor

2. East Timor was a Portuguese colony for over 300 years. In 1975, as Portugal was preparing to grant independence to East Timor, the Indonesian army invaded and, in 1976, annexed it. The United Nations never recognized Indonesian sovereignty over East Timor. Until the resignation of Suharto, there was continuous armed conflict between the Timorese National Liberation Front (FRETILIN) and Indonesian forces. In addition to widespread violations of humanitarian law, the Indonesian authorities brutally oppressed the Timorese (murders, torture, arbitrary arrests and the like) documented in numerous reports of the Commission's rapporteurs and working groups and numerous non-governmental organizations. Indonesia also began a large programme of settling Javanese people in East Timor.

3. Shortly after taking control of the Government, President Habibie, in conjunction with United Nations mediator Jamsheed Marker, began discussions with the leadership of East Timor while releasing some Timorese political prisoners. In January 1999, the detention of Timorese leader Jose Gusmao (Xanana) was changed to "special detention" in a house. Indonesia stopped sending settlers to East Timor. On 27 January 1999, President Habibie announced that the Government of Indonesia would consider giving East Timor its independence if its proposal for "special autonomy" was rejected in a special referendum. At present there are continuing clashes between pro- and anti-independence factions in East Timor, with the Javanese settlers forming the majority of persons on the island favouring Indonesian rule.

The Moluccas (Republik Malukul

4. The Moluccas, independent for much of its long history, was part of the Netherlands East Indies. At the conclusion of the Netherlands' colonial empire in the area, the considerable unrest throughout the Netherlands East Indies prompted the United Nations to establish the Security Council Committee of Good Offices (1947-1949) and then the Security Council Commission for Indonesia (1949-1955). A key concern of the Netherlands and the United Nations was the fate of the formerly independent components of the Dutch Empire. After several preliminary agreements - the Linggadjati Agreement of 25 March 1947 and the Renville Agreement of 1948 are the major ones - the Netherlands, the Javanese leadership and the United Nations

approved the Round Table Conference Agreements in November 1949 (69 U.N.T.S.3). Article 2 of the Third Agreement (Transitional Measures) gives the component parts of what was to be the new nation of Indonesia the right to "opt out", first by providing for a plebiscite to determine if a region wanted to form a separate component state (paragraph 1) and second by providing for the right to negotiate for separate status (paragraph 2).

5. The Moluccas "opted out" in 1950, declaring the Republik Maluku Selatan. In July and September of that year, Javanese forces invaded the Moluccas and militarily annexed it. The Moluccan people resisted and formed armed units to try to repel the Javanese. Throughout the 1950s and 1960s there was widespread unrest. In 1966 the Moluccan leader, Chris Soumokil, was captured and summarily executed.

6. The Indonesian authorities began large-scale settlement programmes that continue today. The clashes between Moluccan defenders and Indonesian forces have continued, although sporadically. Many Moluccans have fled the islands seeking asylum from the oppressive Javanese regime. Well-documented abuses have included sterilization of Moluccan girls and women, detention, torture and summary executions. The past few years have been exceptionally difficult for the Moluccans.

7. The Moluccan people actively work for the realization of self-determination both in the Moluccas and abroad: they have formed provisional governments and have developed international representation. Although the Habibie Government is now negotiating the status of East Timor, there have been no discussions about the component parts, such as the Moluccas, that exercised their right to "opt out" only to be brutally overrun and oppressed. In fact, since Habibie assumed the Presidency the situation in the Moluccas has deteriorated dramatically and the issue of self-determination has been ignored.

8. Current violence in the Moluccas involves clashes between the Javanese settlers and the Moluccan people which most observers claim are instigated by the Indonesian authorities to stifle any discussion of self-rule in the Moluccas and to affect the June elections. Human rights organizations such as Mena Muria Foundation and others attest that the Moluccans and the "transmigrants" have lived in relative peace for many years, in spite of the aims of the Moluccans for self-rule. Recently, the Indonesian authorities have been breaking apart that peace by granting Javanese better jobs and giving them lands seized from Moluccans. More disturbingly, there is a pattern of attacks on places of worship to exacerbate the communal violence: to date nine Moluccan Christian churches and six mosques have been destroyed, allegedly by provocateurs. Christian houses in eight villages have been burned down. Women and children have been brutally attacked. This current violence, which started in Ambon, has now spread to many other areas in the south and south-east of the islands. More than 100 are believed dead: the Mena Muria Foundation alone has registered 70 deaths in the past several months.

Acheh

9. In 1873 the Netherlands issued a formal declaration of war and began an invasion of the kingdom of Acheh in the northern part of Sumatra. The Achenese resisted and in 1942 the Dutch finally abandoned the attempt. Although never a component part of the Netherlands East Indies, Acheh was considered to be bound by the Round Table Conference Agreements and therefore able to "opt out" of the new country of Indonesia. However, the Javanese forcibly annexed Acheh shortly after gaining independence from the Netherlands. Resistance to Javanese/Indonesian rule has been a feature of Acheh for the past 50 years.

10. In 1976 the Acheh-Sumatra National Liberation Front (Acheh Merdeka - Free Acheh) was founded as an armed resistance group under the leadership of Tengku Hasan M. di Tiro, who has been in exile for many years. In the long struggle against the Indonesian forces, the people of Acheh have lost as many as 50,000 with 100,000 wounded. Many thousands have disappeared with a recent estimate put at 40,000 in the past nine years alone. In August 1998, President Habibie ordered the removal of Indonesian combat troops from Acheh and the military commander issued a formal apology for the atrocities carried out in Acheh. A special commission authorized to investigate human rights violations in all of Indonesia reported at least nine mass grave sites in Acheh. At present, there is much violence in Acheh with civilians retaliating against soldiers for atrocities and soldiers fighting back.

Conclusion

11. The situation in the Moluccas, Acheh and East Timor cannot be resolved without addressing the underlying and very strong claim to self-determination by the people and their leadership in these three areas. The United Nations system as a whole and the Commission in particular must undertake serious study of the whole question of the former Dutch and Portuguese colonies in the area and the intentions set out in the Round Table Conference Agreements and other relevant international instruments. Failure to respond with full respect for the principle of self-determination will doom the area to even longer armed conflict and the tragic loss of more lives. Accordingly, International Educational Development strongly urges the Commission to appoint a special representative to monitor the election process in Indonesia and to protect the self-determination rights of the people of East Timor, the Moluccas and Acheh.